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Attorneys for Defendants R. Hueso

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

STEPHEN ESCONDON MEDINA,

Plaintiff,

v.

R. HUESO,

Defendants.

Case No.: 08CV0896 JLS (RBB)

**NOTICE OF MOTION AND
DEFENDANT'S MOTION TO
DISMISS**

Hearing: September 15, 2008
Time: 10:00 a.m.
Courtroom: B
Judge: The Honorable Ruben B. Brooks

[No Oral Argument Requested]

TO PLAINTIFF STEPHEN EDCONDON MEDINA, APPEARING IN PRO PER:

PLEASE TAKE NOTICE that Defendant R. Hueso moves to dismiss the Complaint against him. No oral argument is requested because Plaintiff is a prison inmate proceeding in pro per.

Defendant moves to dismiss on the ground that Plaintiff failed to exhaust his administrative remedies.

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1 This motion is based upon this notice of motion, the memorandum of points and
2 authorities, the declarations of T. Emigh, D. Bell, and the complete record and file in this matter.

3 Dated: August 5, 2008

4 Respectfully submitted,

5 EDMUND G. BROWN JR.
Attorney General of the State of California

6 DAVID S. CHANEY
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7 ROCHELLE C. EAST
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8 MICHELLE DES JARDINS
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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Medina, Stephen Escondon v. R. Hueso, et al.**

No.: **08CV0896 JLS RBB**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266.

On August 12, 2008, I served the attached **NOTICE OF MOTION AND DEFENDANT'S MOTION TO DISMISS** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at San Diego, California, addressed as follows:

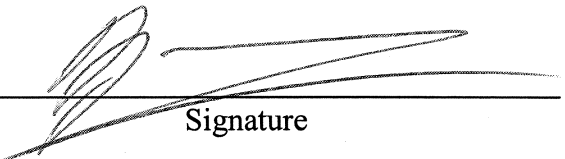
Stephen Escondon Medina
E-63667
Calipatria State Prison
P. O. Box 5005
7018 Blair Road
Calipatria, CA 92233-5005

In Pro Per

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on August 12, 2008, at San Diego, California.

D. Daswani

Declarant


Signature

70133317.wpd